

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BUCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
6683.50USC1	606	061	T. MANAHAN	3732

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347839039US

Date of Deposit: April 9, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: _____
Name: Jeff Munkers

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/676,622, filed on October 2, 2000 entitled Temporary Spinal Fixation Apparatuses and Methods by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

Gray	Eric	L.
Rockford	Minnesota	USA
5720 Linda Lane	Rockford	Minnesota 55373/USA
Boschert	Paul	F.
St. Paul	Minnesota	USA
1053 Cromwell Avenue	St. Paul	Minnesota 55112/USA

- ☒ Enclosed is the application; including the specification, claims, drawings, a signed oath or declaration from the prior application. The continuing application is as follows: 16 pages of specification, 10 claims, 1 page of abstract, 9 sheets of drawings, and 4 pages of oath or declaration.

☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 10 -20	0	x	\$18.00	0.00
INDEPENDENT CLAIMS 1 -3	0	x	\$86.00	0.00
			BASIC FILING FEE:	\$770.00
			TOTAL FILING FEE:	770.00

- ☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:
☐ Attached is a check in the amount of
☐ Please charge Deposit Account No. 13-2725.
☒ **PAYMENT OF THE FILING FEE IS BEING DEFERRED.**
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☐ Amend the specification by inserting before the first line of the first page the paragraph:
7. ☒ A set of formal drawings (sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Sulzer Spine-Tech Inc. located at Minneapolis, Minnesota.
10. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.
Minneapolis, MN 55402-2215
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed:
16. ☒ Address all future communications to the Attention of **Karen A. Fitzsimmons** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300



Date:

April 9, 2004

A handwritten signature in dark ink, appearing to read "Karen A. Fitzsimmons". The signature is written over a horizontal line.

Karen A. Fitzsimmons
Reg. No. 50,470
KFitzsimmons/cjm